

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of
Ryan Rathbun, Principal Engineer,
Geology (PS5810T), Department of
Transportation

Examination Appeal

CSC Docket No. 2018-1386

ISSUED: July 26, 2018 (BS)

Ryan Rathbun requests that he be permitted to file a late application for the promotional examination for Principal Engineer, Geology (PS5810T), Department of Transportation.

The promotional examination at issue was announced with an October 23, 2017 closing date and required that all applicants file an application by that date. Agency records indicate that 33 applicants were able to complete and submit their applications by the October 23, 2017 closing date. The appellant was found ineligible because the application process was not completed. Specifically, the appellant had failed to submit the required fee.

On appeal, the appellant argues that he completed and submitted an application via the on-line system on October 12, 2017 but did not write down a confirmation number. He states that he submitted the required payment via his credit card and even noted on October 14, 2017 that his online banking service had a pending \$25.00 transaction. When notified that his application was not completed, the appellant asserted that some “technical error” must have occurred during the payment process. Although he attempted to verify his \$25.00 payment was sent to this agency, upon further investigation, it was not the transaction he originally supposed. The appellant contends that, although he cannot prove it, he submitted an application to the best of his ability, he is a provisional Principal Engineer, Geology, and that he should be allowed to sit for the subject promotional examination. In support of his request, the appellant submits an affidavit that he completed his online application on October 12, 2017. It also states that “I reached a confirmation screen confirming payment and continued to upload my personal resume.”

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides, in pertinent part, that applications for promotional examinations should be filed no later than the announced closing date. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

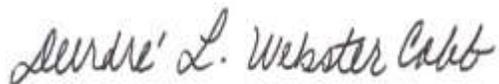
In the instant matter, the closing date for this examination was October 23, 2017, and 33 candidates were able to submit their applications by that date. Although the appellant provided an affidavit that he attempted to file his application on October 12, 2017, he has no record of receiving a confirmation number or that he submitted the filing fee. No problems with the online application system were reported to Civil Service Commission personnel during that period. Although the appellant claims in his affidavit that he completed an online application the evening of October 12, 2017 using his iPhone, the Job Announcements and Testing Information page indicates that Mobile Devices and Tablets are not supported. Moreover, although the appellant claims that he relied on a pending \$25 transaction, he fully concedes that the transaction was not for his application. The directions for filing an on-line application indicate that applicants were required to complete the application, including providing payment, by the announced closing. Since the appellant failed to do so, there is no basis on which to permit him to file a late application. Additionally, no basis exists to relax the controlling regulatory provision in this case since the list is complete, containing the names of 23 eligibles.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18TH DAY OF JULY, 2018



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